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SH 2301830

Los A eles County Sheriff's Dep ment

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
11-26-11	FOR-3 / Industry Station		

Incident Information

URN: 911-13923-1443-051	Date: 11-26-11 Time: 2330
City or Station: La Puente (East Valinda)	Nature of Incident: While fleeing the suspect turned toward Deputy Hoyos pointing a handgun at Deputy Hoyos. Deputy Hoyos fired one round missing the suspect. The suspect fled on foot and was later taken into custody. A replica handgun was recovered.
Location: [redacted] Le Seda Road Space #[redacted] La Puente, California 91744	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street
Other: Car port

Lighting (*circle only one*): Darkness, Daylight, Other, **(Street Lights)**

Weather (*circle only one*): **(Clear)**, Cloudy, Fog, Rain

Distance: 25-30 Feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)**, **(Fleeing Suspect)**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other:

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐
One	None		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
[redacted]	[redacted]			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
[redacted]	[redacted]	[redacted]		[redacted]
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	[redacted]	[redacted]		**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Gutierrez	Gregory		**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Velona	Gerald	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Stevens	Mark	

PSTD Use Only
SH # 2301830

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-27-11	0200	01-30-12	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	
[redacted]	Carrizosa	Slade	
[redacted]	Reynolds	Frederick	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
S#1	E#1	FH	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 911-13923-1443-051

Involved Employee

E 1

Employee #: [redacted] | Last Name: Hoyos | First Name: Daniel | M.I.:

Sex: M | Race: H | Rank: Deputy Sheriff | Unit Assignment: Compton Station | Work Assignment (Unit #, Module, etc.): 144F2

ShiftTime (*circle only one*): (EM circled) PM Day | ShiftType (*circle only one*): Regular (Overtime circled) Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 7 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors:

Age: [redacted] | Height: 5'9" | Weight: 180

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta 92FS | Caliber: 9 | # Shots: 1 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted]

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

E __

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

E __

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

See Other Side

Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name: Marer	First Name: Michael	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #:
Age: 32 D.O.B. 11-02-79	Height: 5'8" Weight: 160	FBI #	CII # [redacted]
Booking # 2960547	Primary Charge: 245(C) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON-HIT

CASE NUMBER: SH 2301830

File # 911-13923-1443-051

DATE: November 26, 2011, Saturday

TIME: 2332 hours

LOCATION: [redacted] La Seda Road, Space # [redacted] La Puente

OPENING STATEMENT:

On Saturday, November 26, 2011, Internal Affairs Bureau investigators Sergeant Slade Carrizosa, Sergeant Frederick Reynolds and Lieutenant Stephen Vaughan responded to [redacted] La Seda Road in regard to a deputy involved non-hit shooting in the City of La Puente. Internal Affairs Bureau investigators and the Office of Independent Review were given a briefing by Operation Safe Streets Bureau.

SYNOPSIS:

At approximately 2332 hours, Deputy Hoyos, # [redacted] (144F2), was driving south on La Seda Road near Pacato Road, when he saw a male white adult (later identified as the suspect) walking south on the east sidewalk. He saw the suspect was carrying a large gray bag full of unknown items. Because of the area, time of night and the suspect carrying a large bag, Deputy Hoyos stopped to contact the suspect believing he might be involved in criminal activity.

As Deputy Hoyos exited his vehicle, he asked the suspect if he was on parole or probation. The suspect replied that he was on probation, and appeared to be very nervous. Deputy Hoyos asked the suspect to step toward his patrol car. The suspect started to walk toward the patrol car, then suddenly turned and ran south on the grass parkway toward a mobile home park driveway. As the suspect ran, he threw DVDs, CDs, and a cell phone to the sidewalk. Deputy Hoyos re-entered his patrol car and followed the suspect to the mobile home park. While he was following the suspect, he yelled at him to stop and get on the ground several times. While entering the mobile home park Deputy Hoyos saw the address numbers posted on the wall, indicating the address to be '[redacted]'

Upon seeing the numbers, Deputy Hoyos knew his exact location. After a short distance, approximately seventy-five yards, after entering the mobile home park, the suspect stopped running and turned to face Deputy Hoyos. He ordered the suspect to get on the ground. The suspect went down to his knees, with his right hand on the ground and his left hand by his waistband.

Deputy Hoyos requested assistance via his radio, while holding the suspect at gunpoint. While he was awaiting assisting units, despite several orders for the suspect the stay on the ground, the suspect stood up. Deputy Hoyos ordered him back down to the ground several times. The suspect refused and ran east toward a mobile home carport. While the suspect was running, he kept his left hand by his waistband. The suspect entered the carport and ran south toward the rear of the mobile home. Deputy Hoyos moved forward to see where the suspect was running, so he could coordinate assisting deputies to contain the area. He moved half way down the carport, taking cover behind a vehicle parked in the driveway.

The suspect stopped at the end of the driveway and turned to his left, while holding a small black handgun near his stomach area. The suspect pointed the gun at Deputy Hoyos. Fearing for his safety, he fired one round at the suspect, missing him. The suspect turned and ran east, behind the mobile home and out of sight. Deputy Hoyos backed away from the driveway area and broadcast that he was involved in a shooting and the suspect's last seen direction. He returned to his patrol car moving his vehicle to a position of advantage and waited for his assisting units.

A containment was established pending the arrival of a Special Enforcement Bureau canine unit. The suspect was located by a canine handler and his dog within the mobile home park. The suspect did not respond to announcements to surrender and was located by the canine and subsequently bitten. A replica firearm was found on the likely path taken by the suspect, two trailers (space [redacted]) away from where the suspect was located (space [redacted]). The replica firearm matched the description of the gun seen by Deputy Hoyos. The residents at the location where the replica firearm was found said it did not belong to them and they had not seen it before.

INVOLVED PERSONNEL:

Hoyos, Daniel, Deputy, #[redacted]

Assigned to Field Operations Region II, Compton Station

Working overtime as Unit 144F2, Industry Station

Date of Employment: August 10, 2001

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVOLVED PERSONNEL (Continued):

Date Assigned to Patrol: [redacted]

Date Completed Patrol Training: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

SUSPECT:

Marer, Michael, MW/32, Booking #2960547

The Consolidated Criminal History System reveals Suspect Marer [redacted]

[redacted] For a complete Consolidated Criminal History see copy of Criminal History included with this case as **Exhibit A.**

CIVILIAN WITNESS:

[redacted] MH/34, DOB: 02/04/77
[redacted]
Phone: [redacted]

INJURIES:

The suspect was not injured from the shooting. The suspect was later located inside the containment area and bitten by Deputy Amann's canine, "Rocky." The suspect sustained several canine rakes and punctures to his left arm, right arm, and right hand. The suspect was transported to Queen of the Valley Hospital where he was treated for his injuries.

> **IAB Note: For further details regarding the canine bite and injuries sustained see a copy of the Supervisor's Report on Use of Force by Sergeant Cook included with this case as Exhibit C.**

PHYSICAL EVIDENCE:

One 9mm shell casing was found in the car-port area of space [redacted] which was recovered by Sheriff's crime lab. The one round fired by Deputy Hoyos struck a metal storage shed located at the south end of the car-port of space [redacted] The bullet struck the shed just to the left of the door. Sheriff's crime lab located a plastic trash bag, containing clothing, inside the shed with no sign of exit from the bag. Sheriff's crime lab searched the bag and the shed and was unable to locate to expended bullet. A black plastic replica firearm was recovered from atop a shed located to the rear of space [redacted] Several other miscellaneous DVD's and other personal property were found along the suspect's route of travel.

> **IAB Note: For a complete list and diagram of evidence recovered see Exhibit B.**

INVESTIGATOR'S OBSERVATIONS:

Upon the investigators arrival they learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a deputy-involved, non-hit-shooting involving Deputy Daniel Hoyos. Deputy Hoyos was a uniformed patrol deputy.

> **IAB Note: IAB Lieutenant Stephen Vaughan checked to see that the Watch Commander, Lieutenant Mark Stevens took reasonable steps to ensure the involved deputy did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Stephen Vaughan checked to see if the watch commander attempted to have the involved deputy gather in the company of a supervisor until they have provided a statement to the assigned investigators.**

The criminal investigation was handled by Operation Safe Streets Bureau [redacted] and Skahill. They entered the crime scene with Deputy Hoyos. They documented their actions and findings on Supplemental Reports. Operation Safe Streets detectives conducted a walkthrough of the scene with IAB investigators and OIR Attorney Julie Ruhlin. Sergeant Carrizosa directed Sheriff's crime lab personnel to photograph and document the scene.

> **IAB Note: Photographs and a sketch of the scene are included in this case as Exhibit B. (2) CD's of all the crime scene and aerial photos are included with this case in Exhibit B.**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

WEAPON USED BY DEPUTY:

Hoyos, Daniel
Service Weapon Type: Beretta 9mm, 92FS
Rounds Fired: One
Type of Ammunition Used: Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

WEAPON USED BY SUSPECT:

Suspected weapon, painted black plastic gun (revolver)
Weapon recovered: Yes
Weapon held for prints: Yes
No prints recovered

PROPERTY DAMAGE:

One bullet hole to metal shed located on space [redacted] private property. The property owner, [redacted] was made aware of damage and advised of the claim procedure.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Investigator's Name: [redacted] and Steven Skahill

Court: West Covina

Charges: One felony count of Resisting Executive Officer, 69 P.C.

Court Date: On December 16, 2011, Suspect Marer entered a plea of "No Contest" on one count of Resisting Executive Officer, 69 P.C.

On December 16, 2011, Suspect Marer was sentenced to sixteen months in state prison.

LIGHTING AND WEATHER CONDITIONS:

Weather was clear. A single porch light illuminated the car-port area.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVOLVED EMPLOYEE STATEMENT:

Deputy Hoyos, #[redacted] was interviewed on December 8, 2011 at 1330 hours by Sergeants Slade Carrizosa and Frederick Reynolds. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The following is a summary of the interview, which was digitally recorded and transcribed.

Deputy Hoyos is assigned to Compton Station and was working overtime at Industry Station on early mornings as unit 144F2 at the time of the shooting. Deputy Hoyos estimated he had worked overtime at Industry Station five times.

Deputy Hoyos was a one-man unit driving south on La Seda Road just north of Pacato Street. Deputy Hoyos saw what appeared to be a male Hispanic (suspect) walking south on the east sidewalk of La Seda Road just north of Pacato Street. Deputy Hoyos' attention was drawn to the suspect due to his suspicious behavior of looking into parked cars. Deputy Hoyos saw the male was carrying a large gray bag which appeared full of unknown items. Because of the time of night and the suspect's behavior, Deputy Hoyos believed the male was possibly breaking into vehicles in the area. Deputy Hoyos stopped his patrol car and contacted the suspect who was now just south of Pacato Street on the east sidewalk of La Seda Road.

> **IAB Note: During his interview Deputy Hoyos was shown a group of photos which were labeled A through E the photos are included with case as Exhibit D.**

Deputy Hoyos marked Photo B indicating the approximate place where he stopped his patrol car with an "X and P." He marked the suspect's location with an "X and S." As Deputy Hoyos was stepping out of his patrol car he asked the suspect if he was on probation or parole. The suspect answered him saying he was on probation. Deputy Hoyos asked the suspect to step over to his patrol car. The suspect started to walk toward Deputy Hoyos. The suspect took a few steps turned and ran south on La Seda Road on the east sidewalk.

Deputy Hoyos believed he yelled for the suspect to stop and got back into his patrol car, following the suspect in his patrol car. Deputy Hoyos followed the suspect in his patrol without activating his lights or siren. Deputy Hoyos paralleled the suspect in his patrol car being mindful to stay behind the suspect not knowing if the suspect was armed. While following the suspect Deputy Hoyos yelled out his open driver's window for him to stop running. Deputy Hoyos could see the suspect throwing DVD's and a cell phone to the ground as he ran south on La Seda behind the parked vehicles.

Deputy Hoyos said he did not put out radio traffic initially, because he did not want to distract his attention from the suspect in case he was armed with a weapon. Deputy Hoyos explained, while following the suspect in his patrol car he drove with his left hand keeping his right hand free in case he had to draw his weapon, always being aware the suspect may be armed.

Deputy Hoyos followed the suspect into the mobile home park located at [redacted] La Seda Road. Deputy Hoyos said he did not know his exact location until he saw the numbers on the wall as he turned into the mobile home park. The suspect continued to run east in the mobile home park on "A" Street, as he approached "C" Street, he slowed to a walk. When the suspect reached the north east corner of "A" and "C" Street, he threw the bags he was carrying to the ground. Deputy Hoyos heard the suspect let out a sigh of exhaustion, placing his hands on his knees facing north east, concealing the right side of his body from Deputy Hoyos. The entire time Deputy Hoyos was following the suspect in his vehicle, he continued yelling commands at the suspect to stop running.

> **IAB Note: Deputy Hoyos indicated on photo A of Exhibit D the approximate position of his patrol car, the suspect and the bags the suspect dropped.**

Deputy Hoyos stopped his patrol car, opened his driver's door positioning himself in the "V" of his patrol car door jamb, approximately 10-20 feet away from the suspect. Holding the suspect at gunpoint Deputy Hoyos immediately gave the suspect commands to get on the ground. The suspect started to comply with Deputy Hoyos' commands going down to his knees with his right hand on the ground in front of him and his left hand on his waistband.

Deputy Hoyos put out radio traffic via his hand held radio, requesting assistance regarding detaining a burglary suspect, initially advising assisting units his location to be 605 La Seda.

> **IAB Note: A copy of Deputy Hoyos radio traffic is included with the case as Exhibit E.**

While Deputy Hoyos was putting out radio traffic and giving commands to the suspect, the suspect was looking back at Deputy Hoyos. Deputy Hoyos ordered the suspect approximately eight times to stay on the ground. Before assisting units could arrive the suspect stood to his feet, running southeast with his left hand still in his waistband area. The suspect entered a nearby carport ([redacted]. Deputy Hoyos advised assisting units via his radio of the fleeing suspect, giving a brief description of the suspect and direction of travel.

In order to maintain a visual of the suspect and to better advise assisting units of his direction of travel and to set up a containment, Deputy Hoyos followed the suspect to the entrance of the carport. At the entrance of the carport, Deputy Hoyos could see the suspect at the rear of a white vehicle, which was parked in the carport. Deputy Hoyos said the suspect slowed, making his way between the vehicle and the stairs continuing south. Deputy Hoyos continued yelling commands for the suspect to stop. Deputy Hoyos moved halfway into the carport toward the rear of the white vehicle to afford him better cover, while the suspect continued south.

> **IAB Note: On photo D of Exhibit D, Deputy Hoyos indicated his location with a red X.**

As Deputy Hoyos moved to the rear of the white vehicle, he saw the suspect turn to his left toward Deputy Hoyos. When the suspect turned toward Deputy Hoyos, Deputy Hoyos saw the suspect was holding a small black handgun with both hands at his navel area pointed at Deputy Hoyos. Fearing for his life, Deputy Hoyos fired one round at the suspect. Deputy Hoyos started backing out of the carport as he advised via his radio that he was involved in a shooting. Deputy Hoyos started to set up a containment, advising assisting units of the suspect's description and direction of travel. As assisting units started to arrive, Deputy Hoyos returned to his patrol car moving it to his containment spot, the front of space [redacted] for better cover.

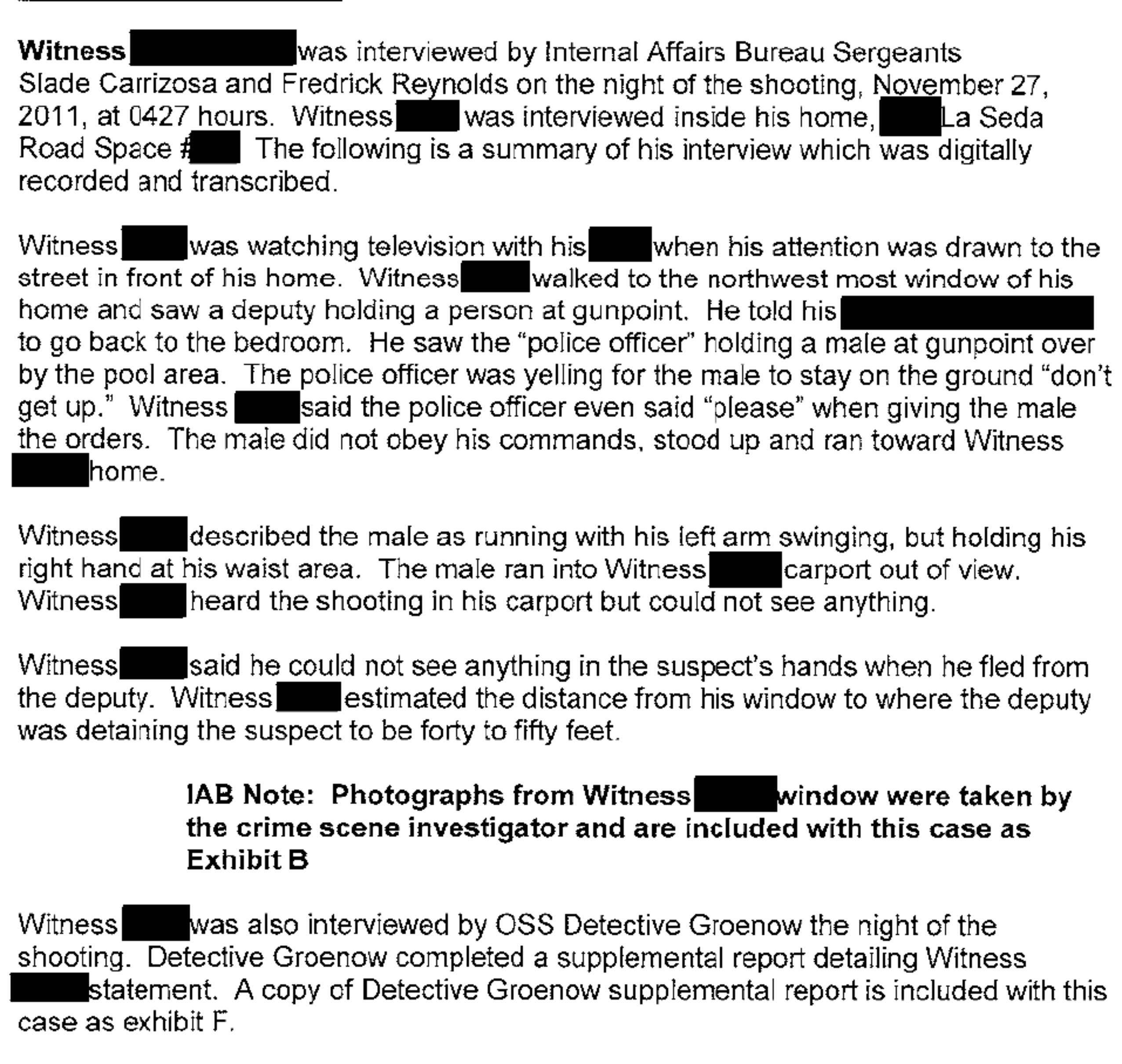
> **IAB Note: Upon IAB investigator's arrival Deputy Hoyos' patrol car had been moved from the crime scene. I (Sgt. Carrizosa) asked Deputy Hoyos to move his patrol car back to where it was located when he first detained the suspect in the mobile home park for crime scene photos.**

With the assistance of Industry Station personnel, a containment was set up and canine and aero were requested. The suspect was found inside the containment by Sheriff's canine and Deputy Hoyos responded and identified Suspect Marer as the person who had fled from him pointing a handgun at him.

Deputy Hoyos was shown a crime scene photo, exhibit D photo E, of the replica firearm found at space [redacted] Deputy Hoyos said the firearm was consistent with the firearm he saw the suspect point at him.

> **IAB Note: A copy of Deputy Hoyos' first report is included with case as Exhibit F.**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY



WITNESS STATEMENT:

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Fredrick Reynolds on the night of the shooting, November 27, 2011, at 0427 hours. Witness [redacted] was interviewed inside his home, [redacted] La Seda Road Space #[redacted] The following is a summary of his interview which was digitally recorded and transcribed.

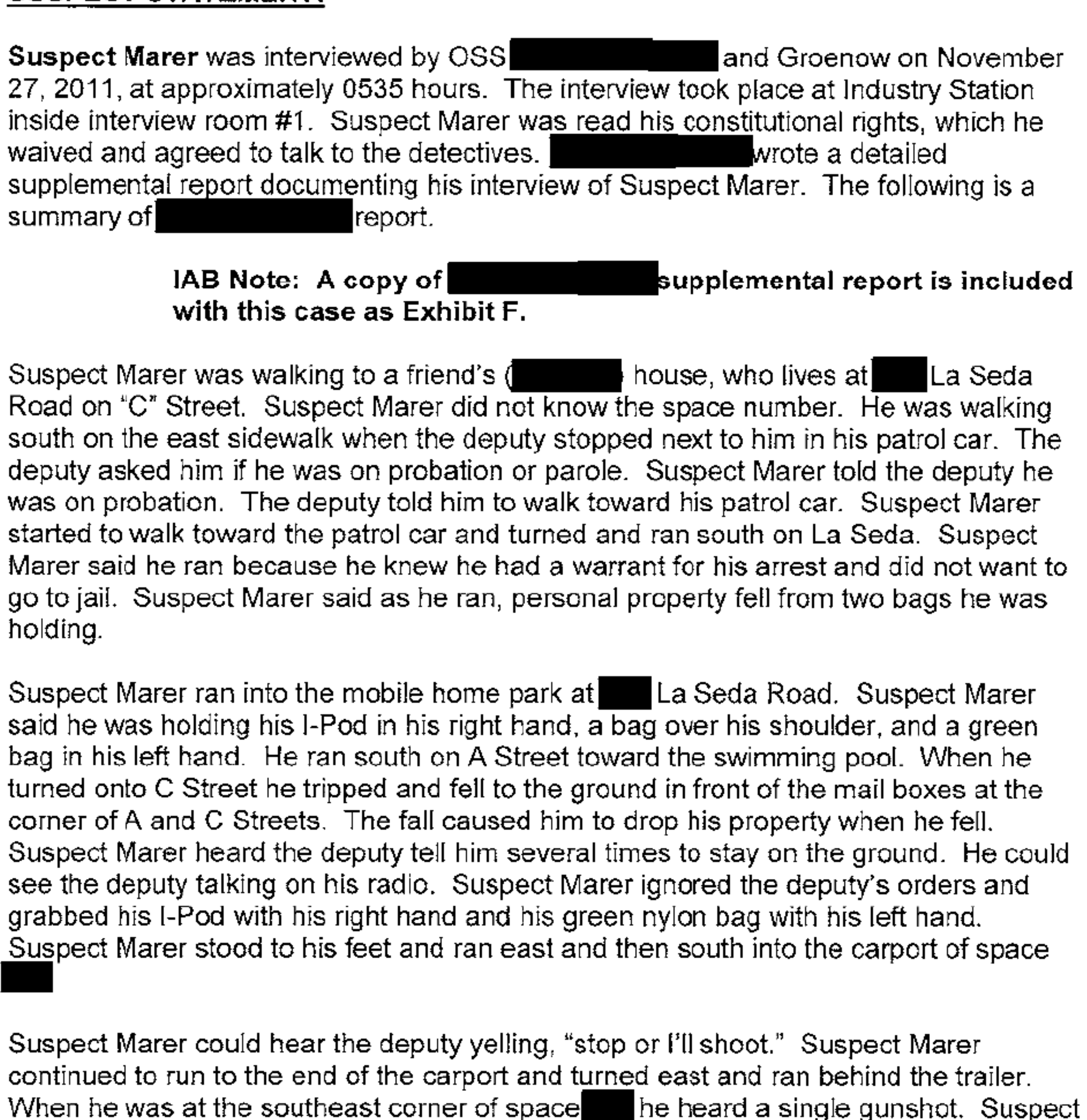
Witness [redacted] was watching television with his [redacted] when his attention was drawn to the street in front of his home. Witness [redacted] walked to the northwest most window of his home and saw a deputy holding a person at gunpoint. He told his [redacted] to go back to the bedroom. He saw the "police officer" holding a male at gunpoint over by the pool area. The police officer was yelling for the male to stay on the ground "don't get up." Witness [redacted] said the police officer even said "please" when giving the male the orders. The male did not obey his commands, stood up and ran toward Witness [redacted] home.

Witness [redacted] described the male as running with his left arm swinging, but holding his right hand at his waist area. The male ran into Witness [redacted] carport out of view. Witness [redacted] heard the shooting in his carport but could not see anything.

Witness [redacted] said he could not see anything in the suspect's hands when he fled from the deputy. Witness [redacted] estimated the distance from his window to where the deputy was detaining the suspect to be forty to fifty feet.

> **IAB Note: Photographs from Witness [redacted] window were taken by the crime scene investigator and are included with this case as Exhibit B**

Witness [redacted] was also interviewed by OSS Detective Groenow the night of the shooting. Detective Groenow completed a supplemental report detailing Witness [redacted] statement. A copy of Detective Groenow supplemental report is included with this case as exhibit F.



SUSPECT STATEMENT:

Suspect Marer was interviewed by OSS [redacted] and Groenow on November 27, 2011, at approximately 0535 hours. The interview took place at Industry Station inside interview room #1. Suspect Marer was read his constitutional rights, which he waived and agreed to talk to the detectives. [redacted] wrote a detailed supplemental report documenting his interview of Suspect Marer. The following is a summary of [redacted] report.

> **IAB Note: A copy of [redacted] supplemental report is included with this case as Exhibit F.**

Suspect Marer was walking to a friend's ([redacted] house, who lives at [redacted] La Seda Road on "C" Street. Suspect Marer did not know the space number. He was walking south on the east sidewalk when the deputy stopped next to him in his patrol car. The deputy asked him if he was on probation or parole. Suspect Marer told the deputy he was on probation. The deputy told him to walk toward his patrol car. Suspect Marer started to walk toward the patrol car and turned and ran south on La Seda. Suspect Marer said he ran because he knew he had a warrant for his arrest and did not want to go to jail. Suspect Marer said as he ran, personal property fell from two bags he was holding.

Suspect Marer ran into the mobile home park at [redacted] La Seda Road. Suspect Marer said he was holding his I-Pod in his right hand, a bag over his shoulder, and a green bag in his left hand. He ran south on A Street toward the swimming pool. When he turned onto C Street he tripped and fell to the ground in front of the mail boxes at the corner of A and C Streets. The fall caused him to drop his property when he fell. Suspect Marer heard the deputy tell him several times to stay on the ground. He could see the deputy talking on his radio. Suspect Marer ignored the deputy's orders and grabbed his I-Pod with his right hand and his green nylon bag with his left hand. Suspect Marer stood to his feet and ran east and then south into the carport of space [redacted]

Suspect Marer could hear the deputy yelling, "stop or I'll shoot." Suspect Marer continued to run to the end of the carport and turned east and ran behind the trailer. When he was at the southeast corner of space [redacted] he heard a single gunshot. Suspect Marer said he did not know what the deputy was shooting at, because he did not see him shoot. Suspect Marer did say the deputy was standing in the rear of the trailer near the shed facing east when he fired his gun.

> **IAB Note: Deputy Hoyos' expended 9mm cartridge case along with the bullet hole in the shed contradicts Suspect Marer's account of where the shooting occurred.**

Suspect Marer said he jumped the east fence into the adjacent property, then jumped the south fence and ran out to B Street. Suspect Marer said he ran to a trailer on B Street and hid under some tables where the canine found him.

> **IAB Note: Suspect Marer's statement that he ran east on "B" Street to the trailer where he hid on B Street contradicts, a citizens, [redacted] statement to Deputy Rodriguez. For [redacted] statement see Deputy Rodriguez' supplemental report included with this case as Exhibit F.**

Suspect Marer said when he was running from the deputy, he was carrying his I-Pod in his right hand. Suspect Marer denied having a real or a toy handgun. Suspect Marer said the I-Pod he was carrying could have been mistaken as a handgun, because it was dark. He admitted knowing the person he was running from was a deputy and he heard the deputy order him to stop running and to lie on the ground. Suspect Marer said he refused to comply because he had a warrant and did not want to go to jail.

VIDEO SURVEILLANCE:

[redacted] discovered the mobile home park had video surveillance at the entrance of the park. He directed Detective Skahill to contact the [redacted] to view and obtain a copy of the video surveillance from the night and time of the incident. I viewed the video and saw it was extremely poor in quality. The park has eight cameras, only four of which are recorded at one time. The cameras are monitored and recorded on one monitor. The cameras recorded on the screen are labeled C-1 through C-4. The camera labeled C-1 is the only outside camera recording the night of the incident. Camera C-1 is mounted on the club house facing west toward the mobile home park entrance on La Seda Road.

> **IAB Note: The video surveillance has a time at the upper left hand side of the screen. The time is approximately 62 minutes fast.**

The footage captured is very poor quality; however, you can see occasional car headlights drive through the picture. At 12:29A, on the video you can see what appears to be a patrol car enter the park from the north off of La Seda Road. This would be consistent with the direction and time Deputy Hoyos' would have entered the park. I could not see the suspect run into the park on the video. At 12:32A you can see the first additional patrol units start to arrive. For a complete copy of Detective Skahill's supplemental report see **Exhibit F.**

> **IAB Note: I obtained the VHS tape from evidence. I had the tape copied to a compact disc (CD) starting from 9:56PM on November 26, 2011, till daylight November 27, 2011. The CD is included with this case as Exhibit G.**